

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RITA JETTE,

Plaintiff,

No. C 05-2226 PJH

v.

ORDER

GEORGE MCQUEEN, et al.,

Defendants.

Before this court is plaintiff's ex parte motion to permit plaintiff to file a claim against her attorney Michael Friel. Plaintiff has filed this request in accordance with Cal. Civ. Code § 1714.10 (cited as Cal. Code Civ. Proc. § 1714.10 in plaintiff's papers).

The request is DENIED. The requirement to obtain court approval before permitting a lawsuit against a plaintiff's former attorney to proceed is considered a state law procedural requirement. Villa Pacific Bldg. Co. v. Superior Court, 233 Cal. App.3d 8, 12 (1991). Matters filed in federal court need only comply with federal procedure. Erie Railroad Co. v. Tompkins, 304 U.S. 64, 78 (1938). Plaintiff may proceed on the claims pled in the complaint filed on June 1, 2005 without complying with Cal. Civ. Code § 1714.10.

This order fully adjudicates the matter listed at no. 6 on the clerk's docket for this case.

IT IS SO ORDERED.

Dated: August 22, 2005


PHYLLIS J. HAMILTON
United States District Judge